

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

JOSEPH H. LAVIGNE, JR.

Petitioner,

CIVIL ACTION NO. 3:13-cv-29691

v.

MARVIN PLUMLEY, Warden,  
Huttonsville Correctional Center,

Respondent.

**STATUS REPORT**

Pursuant to the Court's Order dated April 20, 2015, ECF No. 25, Petitioner Joseph H. Lavigne, Jr., by counsel, offers the following report as to the status of DNA testing ordered by the Circuit Court of Putnam County, West Virginia.

The results of the DNA testing of the vaginal swabs from the sexual assault kit and the additional DNA evidence sent to forensic DNA analyst Mr. David Hansen on March 12, 2018 have been shared with Putnam County Prosecutor, Mark Sorsaia.

The West Virginia Innocence Project ("WVIP") is a law clinic at the West Virginia University College of Law staffed by law students and law school faculty during the fall and spring semesters. The new academic calendar has started for the year. With the completed DNA testing, WVIP anticipates filing the appropriate state remedy in the fall semester of 2018 to exhaust all state remedies.

Petitioner therefore submits that the stay should remain in effect pending the anticipated events described above.

Respectfully submitted August 17, 2018.

JOSEPH H. LAVIGNE, JR.,  
*Petitioner.*

By counsel,

/s/ Valena Elizabeth Beety  
Valena Elizabeth Beety (WVSB 11907)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2018, I electronically filed the foregoing *Status Report* with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to:

Shannon F. Kiser, Esq.  
Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
OF WEST VIRGINIA  
State Capitol Complex,  
Bldg. 1, Room E-26  
Charleston, WV 25305

/s/ Valena Elizabeth Beety  
VALENA ELIZABETH BEETY (WVSB 11907)